

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NSIXTY, LLC,

Plaintiff,

v.

uPOST MEDIA, INC.,

Defendant.

Case No. 2:17-cv-02233-KJD-DJA

ORDER

This is a patent case in which NSixty asserted two patents against uPost Media: U.S. Patent 8,619,115 (the “’115 patent”) and U.S. Patent 9,313,456 (the “’456 patent”). The United States Patent and Trademark Office (the “USPTO”) initiated ex parte reexamination on both patents. The reexamination of the ’115 patent has been assigned Reexamination Control No. 90/014,030 (the “’030 reexamination”), and the reexamination of the ’456 patent has been assigned Reexamination Control No. 90/014,031 (the “’031 reexamination”).

On March 12, 2018, the Court ordered a stay of this case pending the reexaminations and ordered the parties to submit a status report on July 10, 2018, and every 120 days thereafter until the stay is lifted. (ECF No. 46.)

As to the ’030 reexamination, on January 11, 2019, the USPTO issued a final office action maintaining the rejection of all of the claims. NSixty filed its appeal brief on June 11, 2019. The USPTO examiner responded to the appeal brief on October 8, 2019. The Appeal remains Pending. As to the ’031 reexamination, on April 17, 2019, the USPTO assigned Appeal Number 2019-003777 to the Appeal. The USPTO set a hearing date for December 2, 2019.


It appears that the parties have failed to file their two most recent status reports. Therefore, this action will be administratively closed pending a motion to lift the stay and proceed with the litigation. The parties will file a joint status report within fourteen (14) days of

1 the entry of this order and every one hundred and twenty (120) days thereafter.

2 Accordingly, IT IS HEREBY ORDERED that the Clerk of this Court
3 **ADMINISTRATIVELY CLOSE** this case;

4 IT IS FURTHER ORDERED that the parties file a joint status report within fourteen (14)
5 days of the entry of this order and every one hundred and twenty (120) days thereafter.

6 Dated this 30th day of September 2020.

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10 Kent J. Dawson
11 United States District Judge
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